Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 16-26, 28-35, 37, and 39-50 are pending in the application, with claims 16 and 28 being the independent claims. Claims 16 and 28 have been amended. Claim 36 has been cancelled without prejudice to or disclaimer of the subject matter therein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Claims 16-26, 28-37, and 39-50 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicant respectfully traverses this rejection.

With respect to claims 16 and 28, the Examiner contends that he did not find support for certain recited features in claims 16 and 28. Claims 16 and 28 have been amended. Applicant believes that the amended claims clarify the support. Claims 16 and 28 recite the following features:

> "...receiving ***at the user*** station an information object containing a ***schedule*** to cause the user station to watch for at least one desired data object in a broadcast data stream...***capturing and storing the at least one desired data object*** from the received ***broadcast data stream*** based on information in a containing information product (CIP), on the at least one ***desired data object's object identifier*** contained in the broadcast data stream, and on the ***schedule***..."

The specification describes each of the middle three of the highlighted features in at least the portion of the specification starting on page 38, line 22, and running through page 39, lines 18-19. That is, in this section, the specification describes the following features: the

capability to "...***capture and hold identified objects*** ..." (page 39, lines 6-7), from "...the ***broadcast data stream***..." (page 39, line 3), based on the capability to "...watch for receipt of ***data objects identified*** as relating to the...containing information product..." (page 39, lines 5-6).

The fourth feature, "...***at a user station***, receiving an information object containing a ***schedule*** to cause the user station to watch for at least one desired data object in a broadcast data stream...", and capturing and storing data objects from the broadcast data stream "...based on...the ***schedule***..." is also described in the specification.

On page 8, lines 10-12, a method is described that "...a ***user station***...automatically monitors a data stream...", where "...data ***information objects*** are contained within a ***broadcast data stream***...", and the data objects themselves are "...identified as relating to the...***containing information product***...", as described in the specification on page 38, lines 24-25, and page 39, lines 5-6.

On page 23, lines 19-20, the specification describes a "...transport function module for ***scheduled*** or poll-responsive ***information object transport***...", which is "...provided to defer fetching of an ***update***...to a specified later time..." On page 16, line 27 - page 17, line 1, the specification describes "...advanced controls for ***scheduled automatic calling***...used in preparing the ***containing information product*** 12 for publication...".

Information objects are contained within a ***broadcast data stream***, and are identified by corresponding ***containing information products***. ***Scheduled updates*** or automatic calling is specified for both ***information objects*** and ***containing information products***. Therefore, ***scheduled updates*** for ***information objects*** contained within a ***broadcast data stream*** are specified.

There are several passages in the specification that deal with specific information object updates. On page 29, lines 19-20, the specification describes "...a ***schedule of updates***...is provided in the ***containing news magazine product***...". On page 34, lines 25-27, the specification describes "...***updates to software products***...with an appropriate...***update schedule***...". And, on page 39, lines 11-19, the specification describes ***newsletter updates***, where "...distributing updates of...***information products***...from a ***remote server***...operating at the ***user stations***, automatically fetches new issues according to the ***newsletter schedule***...."

With respect to claims 20-21 and 32, the Examiner contends that he did not find support for the following recited feature:

> "...***selecting*** the first one of the ***plurality of independently operated data sources from a listing*** of each of the plurality of independently operated data sources..."

The specification describes this feature on page 8, lines 10-13, "...a user station that is configured for communications with a ***multiplicity of independently operated data sources***...includes a monitor function that automatically monitors a data stream supplied by a ***selected*** one of the data sources...". The specification describes data source lists, or menus, on page 46, lines 21-23, "...the invention provides an information transport...to transport a wide variety of ***data objects***...incorporated in many different ***information products***...at an ***appropriate time*** by simple, ***user menu selection***...".

With respect to claim 25, the Examiner contends that he did not find support for the following recited features:

> "...wherein the method is performed a ***plurality of consecutive times***, wherein during each time the method is performed, a user at the ***user station can access desired data objects that have previously been captured and stored*** during a prior time the method is performed..."

The specification describes multiple fetches on page 45, lines 19-21, "...execution of ***one or more fetch or send transactions*** to or from a remote server...with no human interaction at either end being necessary after initiation...", and the specification recites user access to data objects in temporary storage on page 39, lines 7-8, where a "...schedule transport function...can then be set to ***fetch received data objects from temporary storage***...". Temporary storage implies the data objects are removed from the data stream and are accessible offline.

With respect to claim 36, the Examiner contends that he did not find support for the following recited features:

> "...wherein the user station enables a user to access the at least one captured and stored desired data object ***while*** the user station receives, captures, and stores additional desired data objects..."

Claim 36 has been canceled, rendering the rejection moot.

Claims 47-48 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. The Examiner contends that there is insufficient antecedent basis for the respective limitations in the respective claims. This ground of rejection is not understood. Claims 47 and 48 further define the "...logic for capturing and storing..." previously recited in Claims 28, from which claims 47 and 48 directly depend. If the Examiner maintains this rejection, it is requested that he explain the basis for the rejection in more detail.

Rejections under 35 U.S.C. § 102

Claims 16-19, 23-26, 28-31, 34-37, 39-42, and 45-46 have been rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by Joseph et al., U.S. Patent No. 5,819,034, ("Joseph"). Applicant respectfully traverses this rejection.

The Examiner contends that Joseph teaches each of the elements in independent claims 16 and 28. Claims 16 and 28 recite:

> "...receiving ***at the user station*** an information object containing a ***schedule*** to cause the user station to watch for at least one desired data object in a broadcast data stream...capturing and storing the at least one desired data object from the received broadcast data stream based...on the ***schedule***..."

Applicant respectfully disagrees that Joseph teaches this specific feature of claims 16 and 28.

The Examiner contends that Joseph inserts the data objects into a broadcast stream based on a schedule. The Examiner cites Joseph, column 10, lines 20-24, as justification for his position. Joseph addresses transmissions from server to clients in column 10, lines 9-24. Joseph uses a "...flow builder..." to generate a "...transmission schedule...", which is organized into "...data modules [that] are repetitively presented to the transport packetizer...according to the schedule...". In Joseph, each of these functions resides in the server 10, in the channel source module 103 (*see* FIG. 2).

The ***schedule*** Joseph generates governs transmission events from server to client, is generated by the server, but ***is never sent to the client***. Repetition rates of transmission events can be adjusted by the client. Joseph states that the "...desired repetition rates..." governing "...data file[s] related to the transmission of the modules..." can be "...change[d] dynamically, based on inputs received from the client computers...." (*See* '034 patent, Col. 9, line 55 - Col. 10, line 8.) However, the transmission events ***schedule itself is not sent from the server to the client***.

In Joseph, the transmission events schedule ***is not contained in*** an "...information product..." received "...at the user station...", as recited in claims 16 and 28. Further, in

Joseph, data objects are not captured and stored based at least in part on the schedule downloaded to the user station.

For at least the foregoing reasons, independent claims 16 and 28 are patentable over Joseph. Claims 17-19, 23-26, and 39-42 depend from claim 16, and claims 29-31, 34-37, and 45-46 depend from claim 28. For at least these reasons, and further in view of their own features, claims 17-19, 23-26, 29-31, 34-37, 39-42, and 45-46 are patentable over Joseph. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Rejections under 35 U.S.C. § 103

Claims 20-21 and 32 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Joseph. Applicant respectfully traverses this rejection.

Claims 20 and 21 depend directly or indirectly from Claim 16. Claim 32 depends from Claim 28. Claims 20, 21, and 32 are patentable over Joseph for at least the same reasons as Claims 16 and 28. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Claims 22 and 33 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Joseph, and in the alternative over Joseph in view of Wagner et al., U.S. Patent No. 5,761,602, ("Wagner"). Applicant respectfully traverses this rejection.

Joseph does not teach each of the features in independent claims 16 and 28. As discussed above, Joseph does not teach or suggest receiving a schedule in a broadcast data stream. Wagner adds nothing to Joseph to overcome the deficiencies of the latter reference with respect to the subject matter of claims 16 and 28.

Wagner inserts data in a broadcast data stream in the vertical blanking interval or data subcarrier (column 3, lines 54-57), or in the horizontal blanking interval (column 5, lines 28-

30), or in unused cable channels (column 6, lines 59-61). Point-to-point (PPP) connections are made by a router port through a distributor channel; client specific data is decoded at the user station (column 4, lines 1-13 and 28-40).

Wagner specifies received data as data packets (column 4, lines 1-3), emails (column 4, lines 10-130, and file downloads (column 6, lines 14-17). Wagner does not specify a schedule as received data at the user station.

Neither Joseph, nor Joseph in combination with Wagner, specify a schedule as received data at the user station. For at least these reasons, claims 22 and 33, which are dependent on claims 16 and 28, respectively, are also patentable over Joseph in view of Wagner. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Claims 43-44 and 47-50 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Joseph. Applicant respectfully traverses this rejection.

For reasons set forth above, it is clear that Joseph does not teach each of the features in independent claims 16 and 28. For at least these reasons, dependent claims 43-44 and 47-50 are also patentable over Joseph. Reconsideration and withdrawal of the rejection is therefore respectfully requested.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Reply is respectfully requested.

Respectfully submitted,

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